

Planning Committee: 25th September, 2012

Item Number: 14

Investigation Number: ENF 325/31/12

Town/Parish Council: **Bishops Tachbrook**

Case Officer: Philip Hopkinson
01926 456332 phil.hopkinson@warwickdc.gov.uk

6, Penfold Close, Bishops Tachbrook, Leamington Spa CV33 9SF

Unauthorised erection of a fence.
Owners: Mr Scott Richard Sims & Ms Donna Louise Cleaver

RECOMMENDATION

That appropriate enforcement action be authorised for the removal of the unauthorised fencing with a compliance period of 1 month.

BACKGROUND

Unauthorised development bounding part of the front curtilage of this residential property has been identified comprising the erection of a 1.25 metre high fence.

The investigation commenced on 1 August this year. During contact with the owners of the property, officers have advised that planning permission is unlikely to be granted for the retention of the fence and that it should be removed within a specified timescale. To date, the unauthorised fencing remains in situ and no application has been made for its retention or alteration.

RELEVANT POLICIES

Warwick District Local Plan DP1: Layout and Design

National Planning Policy Framework

PLANNING HISTORY

In order to protect and enhance the amenities of the area, planning permission granted for the residential development of this area in 1976 (W76/0860) was subject to the removal of permitted development rights relating to means of enclosure.

As a consequence, any such means of enclosure, including the fence the subject of this report requires planning permission.

KEY ISSUES

The Site and its Location

The site comprises a modern end of terrace dwelling house with an enclosed rear garden and previously open front garden within this open plan residential area.

The north western boundary (side boundary of the front curtilage) borders a public footpath within the estate. The unauthorised fence is prominently located along the length of this boundary and returns for a short distance along the north east (front) boundary of the property.

Assessment

The National Planning Policy Framework at paragraph 56 states that great importance is attached to the design of the built environment and at paragraph 64 sets out that permission should be refused for development of poor design. Furthermore, Policy DP1 requires new development to positively contribute to the character and quality of its environment through good layout and design.

It is considered that the unauthorised fence by reason of its prominent end of terrace position within this estate, immediately adjacent to a public footpath, seriously detracts from the intended open plan character of the area to the detriment of its visual amenities by enclosing the space and obscuring views across the frontages of the properties.

Justification for Enforcement Action

In view of the absence of the voluntary resolution of this matter, it is considered that the service of an Enforcement Notice is necessary in order to remedy this situation.
